

**40.45. LAND DIVISION****40.45.05. Purpose.**

The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division of land within the City of Beaverton. This Section is carried out by the approval criteria listed herein.

**40.45.10. Applicability.**

The provisions of this section shall apply to the creation of new lots or the reconfiguration of existing property lines, except for the dedication of public rights-of-way.

**40.45.15. Application.**

There are seven (7) Land Division applications which are as follows: Lot Line Adjustment, Preliminary Partition, Preliminary Subdivision, Preliminary Fee Ownership Partition, Preliminary Fee Ownership Subdivision, Final Land Division, and Expedited Land Division.

**1. Lot Line Adjustment.**

- A. Threshold. An application for Lot Line Adjustment shall be required when the following threshold applies:
  - 1. The changing of the common boundary of at least two (2) lots of record and does not create an additional lot.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Lot Line Adjustment. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Lot Line Adjustment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
  - 1. The proposal satisfies the threshold requirements for a Lot Line Adjustment application.
  - 2. All City application fees related to the application under consideration by the decision making authority have been submitted.

## 40.45.15.1.C.

3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
  4. An additional lot is not created.
  5. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be considered concurrently with the subject proposal.
  6. The proposal is consistent with all applicable provisions of Chapter 60 (Special Regulations).
  7. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Lot Line Adjustment shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Lot Line Adjustment application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Lot Line Adjustment application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

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**2. Preliminary Partition.**

- A. Threshold. An application for Preliminary Partition shall be required when the following threshold applies:
1. The creation of up to and including three (3) new lots from one (1) lot of record in one calendar year.
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Preliminary Partition. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Preliminary Partition application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Preliminary Partition application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. Oversized lots shall have a size and shape which will facilitate the future partitioning or subdividing of such lots in accordance with the requirements of this Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed lots as well as the future development on oversized lots.
  4. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Preliminary Partition shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Preliminary Partition application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

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- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Preliminary Partition application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90. The filing of a Final Land Division application shall occur within two (2) years of the date of Preliminary Partition approval. [ORD 4265; September 2003]
- H. Extension of a Decision. Refer to Section 50.93.

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**3. Preliminary Subdivision.**

- A. Threshold. An application for Preliminary Subdivision shall be required when the following threshold applies:
1. The creation of four (4) or more new lots from a lot of record in one (1) calendar year.
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Preliminary Subdivision. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Preliminary Subdivision application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Preliminary Subdivision application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. Oversized lots shall have a size and shape which will facilitate the future partitioning or subdividing of such lots in accordance with the requirements of this Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed lots as well as the future development on oversized lots.
  4. If phasing is requested by the applicant, the requested phasing plan can be carried out in a manner which satisfies the approval criteria and provides necessary public improvements for each phase as the project develops.
  5. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

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D. Submission Requirements.

1. An application for a Preliminary Subdivision shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Preliminary Subdivision application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
2. When an applicant desires to phase the development of a Preliminary Subdivision, it shall be indicated at the time of Preliminary Subdivision application submittal. The Director is responsible for approving a time schedule for the final platting of the various phases. In no case shall the total time period for the final platting of all stages be greater than five years without filing a new Preliminary Subdivision application.

E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Preliminary Subdivision application to ensure compliance with the approval criteria.

F. Appeal of a Decision. Refer to Section 50.65.

G. Expiration of a Decision. Refer to Section 50.90. The filing of a Final Land Division application shall occur within two (2) years of the date of Preliminary Subdivision approval. [ORD 4265; September 2003]

H. Extension of a Decision. Refer to Section 50.93.

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**4. Preliminary Fee Ownership Partition.**

- A. Threshold. An application for Preliminary Fee Ownership Partition shall be required when the following threshold applies:
1. The creation of up to and including three (3) new lots from a lot of record in one calendar year in Commercial, Industrial or Multiple Use zones which do not meet the access requirements contained in Section 60.55.40.1 of this Code, or which do not meet all of the Site Development Requirements of Chapter 20 (Land Uses) for new lots in Commercial, Industrial, or Multiple Use zones where an Adjustment, Variance, or Planned Unit Development application will not be filed to address the same Site Development Requirements. [ORD 4265; September 2003]
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Preliminary Fee Ownership Partition. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Preliminary Fee Ownership Partition application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Preliminary Fee Ownership Partition application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. The parent parcel shall meet the minimum setback requirements for the applicable zoning district unless the setback is subject to an Adjustment, Variance, or Zero Side Yard Setback for a proposed Non-Residential Land Division application which shall be considered concurrently with the subject proposal.

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4. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Preliminary Fee Ownership Partition shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Preliminary Fee Ownership Partition application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Preliminary Fee Ownership Partition application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90. The filing of a Final Land Division application shall occur within two (2) years of the date of Preliminary Fee Ownership Partition approval. [ORD 4265; September 2003]
- H. Extension of a Decision. Refer to Section 50.93.

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**5. Preliminary Fee Ownership Subdivision.**

- A. Threshold. An application for Preliminary Fee Ownership Subdivision shall be required when one or more of the following thresholds apply:
1. The creation of four (4) or more new lots from a lot of record in one (1) calendar year which do not meet all of the Site Development Requirements of Chapter 20 (Land Uses) for new lots in Commercial, Industrial, or Multiple Use zones where an Adjustment, Variance, or Planned Unit Development application will not be filed to address the same Site Development Requirements.
  2. The creation of four (4) or more new lots from a lot of record in one (1) calendar year which do not meet the access requirements contained in Section 60.55.40.1 of this Code.
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Preliminary Fee Ownership Subdivision. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Preliminary Fee Ownership Subdivision application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Preliminary Fee Ownership Subdivision application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. The parent parcel shall meet the minimum setback requirements for the applicable zoning district unless the setback is subject to an Adjustment, Variance, or Zero Side Yard Setback for a proposed Non-Residential Land Division application which shall be considered concurrently with the subject proposal.

## 40.45.15.5.C.

4. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

D. Submission Requirements.

1. An application for a Preliminary Fee Ownership Subdivision shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Preliminary Fee Ownership Subdivision application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
2. When an applicant desires to phase the development of a Fee Ownership Subdivision, it shall be indicated at the time of Preliminary Fee Ownership Subdivision application submittal. The Director is responsible for approving a time schedule for the final platting of the various phases. In no case shall the total time period for the final platting of all stages be greater than five years without filing a new Preliminary Fee Ownership Subdivision application.

- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Preliminary Fee Ownership Subdivision application to ensure compliance with the approval criteria.

- F. Appeal of a Decision. Refer to Section 50.65.

- G. Expiration of a Decision. Refer to Section 50.90. The filing of a Final Land Division application shall occur within two (2) years of the date of Preliminary Fee Ownership Subdivision approval. {ORD 4265; September 2003}

- H. Extension of a Decision. Refer to Section 50.93.

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**6. Final Land Division.**

- A. Threshold. An application for Final Land Division shall be required when the following threshold applies:
1. A proposal to finalize a previously approved Preliminary Partition, Preliminary Subdivision, Preliminary Fee Ownership Partition, or Preliminary Fee Ownership Subdivision.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Final Land Division. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Final Land Division application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Final Land Division application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
  4. The proposal is consistent with the applicable previously approved Preliminary Partition, Preliminary Subdivision, Preliminary Fee Ownership Partition, or Preliminary Fee Ownership Subdivision.
  5. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

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- D. Submission Requirements. An application for a Final Land Division shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Final Land Division application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Final Land Division application to ensure compliance with the approval criteria. Following approval by the City of the Final Land Division, the applicant shall record the plat with Washington County. The applicant shall submit a mylar copy of the recorded plat to the City prior to issuance of building permits for any of the new lots.
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

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**7. Expedited Land Division**

An application for and any appeal of an expedited land division shall be subject to the provisions in ORS 197.360 through ORS 197.380.



